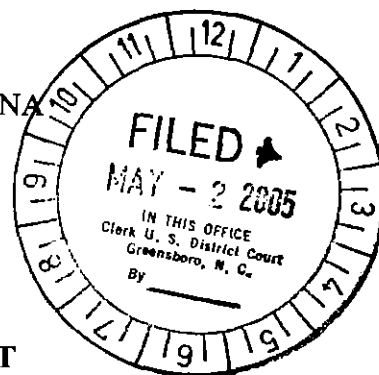


IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
Civil Action No. \_\_\_\_\_



NETALOG, INC.,

Plaintiff,

v.

BELKIN CORPORATION,

Defendant.

COMPLAINT

1:05CV00391

Jury Trial Demanded

Plaintiff, Netalog, Inc. d/b/a Digital Lifestyle Outfitters ("Netalog"), for its complaint against defendant, Belkin Corporation ("Belkin"), alleges as follows:

**PARTIES**

1. Plaintiff Netalog is a corporation organized under the laws of the State of North Carolina, having a place of business in Durham, North Carolina.

2. On information and belief, defendant Belkin is a corporation organized under the laws of the State of California, having a principal place of business in Compton, California.

**JURISDICTION AND VENUE**

3. This is an action for patent infringement arising under the United States Patent Laws, 35 U.S.C. §§ 271 and 281-285. This Court has jurisdiction over the subject matter under 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over Belkin pursuant to N.C. Gen. Stat. § 1-75.4 in that, on information and belief, Belkin conducts substantial and continuing business activities, including having offered for sale and selling the infringing products described below,

in this State and in this District. Belkin actively conducts a portion of its business in this State and in this District over its internet website at [www.belkin.com](http://www.belkin.com). Venue is proper in the Middle District pursuant to 28 U.S.C. §§1391 and 1400(b).

**CLAIM**  
**(Patent Infringement)**

5. Netalog is, and at all relevant times has been, the owner of all rights, title and interest in and to United States Patent No. 6,591,085 (“‘085 Patent”), entitled “FM Transmitter and Power Supply/Charging Assembly for MP3 Player,” which was duly and lawfully issued by the United States Patent & Trademark Office on July 8, 2003. A copy of the ‘085 Patent is attached hereto as Exhibit A.

6. Belkin has used, sold or offered for sale in the United States, or imported into the United States: (1) FM transmitter and power/charger assemblies that infringe one or more claims of the ‘085 patent; and/or (2) components or material parts of such infringing FM transmitter and power/charger assemblies, all without authority, approval or license from Netalog.

7. By importing, using, selling, or offering for sale its FM transmitter and power/charger assemblies, components and/or materials thereof, Belkin has directly infringed, actively induced infringement of, and/or contributorily infringed, one or more claims of the ‘085 patent.

8. On information and belief, Belkin’s infringement has been willful, intentional and deliberate, with knowledge of and in conscious disregard of the ‘085 Patent.

9. Belkin’s infringement of the ‘085 Patent has caused, and will continue to cause, damage and irreparable harm to Netalog unless Belkin’s continuing infringing activities are preliminarily and permanently enjoined by this Court. Netalog has no adequate remedy at law.

### **PRAYER FOR RELIEF**

WHEREFORE, Netalog prays that:

1. The Court enter judgment in favor of Netalog, holding that Belkin has directly infringed, actively induced infringement of, and/or contributorily infringed the '085 patent;
2. The Court enter judgment that Belkin's infringement the '085 patent was willful, and award Netalog enhanced damages pursuant to 35 U.S.C. § 284;
3. The Court declare this case to be exceptional within the meaning of 35 U.S.C. § 285, and award Netalog its reasonable attorneys' fees, expenses and costs in this action;
4. The Court enter a preliminary and permanent injunction enjoining Belkin and its respective officers, agents, servants, employees, attorneys, representatives, successors, and assigns, and all persons in privity or active concert with them, from further acts of infringement, inducement of infringement, and contributory infringement of the '085 patent through the importation, use, assembly, advertising, promotion, distribution, offering for sale or sale of FM transmitter and power/charger assemblies, components and/or materials thereof;
5. The Court order the impounding and destruction of all products in Belkin's possession, custody or control that infringe, or induce or contribute to the infringement of, the '085 Patent; and
6. The Court award Netalog such other and further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Netalog hereby demands a trial by jury on all issues so triable in this action.

Dated: May 2, 2005.



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